(2)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : **HON'BLE SHRI H.L. DATTU, CJ &**
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 352 OF 2007

APPELLANTS

1) Ramji lal Bharti S/o Chhinni Lal Aged about - 34 years Caste - Satnami

2) Ganga bai W/o Ramji Lal Bharti Aged about - 32 years

Both R/o Village - Barpali, Post - Bade bhandar, PS Pusaur, Tah & Distt Raigarh (CG)

Versus

RESPONDENTS

1) Smt Baldeo Kaur W/o Gurucharan Singh Aged abot - (not mentioned) R/o - Rabbarwal Service Station, GE Road, Durg, Distt - Durg (CG) (OWNER OF THE VEHICLE)

2) Azaib Singh S/o Hazara singh Aged about - 65 years Permanent Address :- Ramnagar, Supela, Bhilai, Distt - Durg (CG), Present address :- Gabarwal Petrol Pump, Durg, Official Address :- Rabarwal Service Station, GE Road, Distt- Durg (DRIVER OF THE VEHICLE)

3) New India Insurance Company Ltd. Parakh Bhawan, Statin Road, Durg, Through :- Branch Manager, Local Branch Office, Sattigudi Chowk, Raigarh (CG)

Present : Shri Manoj Jaiswal, counsel for the appellants.

None for the respondents.

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(21)

ORAL ORDER
(Passed on 23rd March, 2007)

The following oral order of the Court was passed by **Vijay Kumar Shrivastava, J.**

This appeal under Section 173 of the Motor Vehicle Act 1988 (for short "the Act") has been directed against the award dated 30.11.2006 passed by First Additional Motor Accident Claims Tribunal, Raigarh (henceforth "the Tribunal") for enhancement of compensation, in Claim Case No.70/2006, whereby a sum of Rs.1,57,500/- has been awarded to the claimants/appellants.

2) Factual matrix of the case in brief is that on 15.05.2006 Ku.Sonlata who was aged about 7 years met with an accident, sustained injuries and succumbed to those. Respondent No.2 driving Tanker No. MP-09/KC/1084 owned by respondent No.1 and insured with respondent No.3, in a rash and negligent manner caused the accident. Her parents who are appellants herein filed an application under Section 166 of the Act for grant of compensation against respondents who are owner, driver and insurer of the offending vehicle. Driver, and owner remained *ex parte* and the insurer contested the claim.

3) The Tribunal after due enquiry allowed compensation as below :

a)	loss of income	Rs.1,50,000/-
b)	funeral expenses	Rs.5,000/-
c)	loss of estate	Rs.2,500/-
	Total amount	Rs.1,57,500/-

4) We have heard learned counsel for the appellants who urged and canvassed compensation on lower side.

5) We have gone through the award. The deceased was aged 7 years. She was not an earning member. Learned Tribunal correctly took notional income Rs.15000/- per annum, reduced 1/3rd, applied multiplier of 15 and recorded loss of income. Tribunal also allowed compensation on other heads.

6) The award passed by the Tribunal does not suffer from any illegality or infirmity, which may call for interference by this Court under its appellate jurisdiction. Therefore, the appeal is dismissed *in limine.*

Sd/-
V.K. Shrivastava
Judge

Sd/-
Chief Justice